

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

**LARRY LUNAN, et al.,**

**Plaintiffs,**

**v.**

**MYCOM GROUP, INC., et al.,**

**Defendants.**

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**Case No. C-1-01-425**

**ORDER**

This matter is before the Court upon Plaintiffs’ motion to strike Defendants’ post-trial brief. (Doc. 60). Plaintiffs argue that Defendants’ post-trial brief (Doc. 58) goes beyond the “embellish[ed] . . . statement of facts” and “additional conclusions of law” that this Court authorized at the time of closing argument in the trial of this matter. (*See* Trial Transcript, p. 276). In response, Defendants urge that their post-trial brief merely “substantiate[s their] submissions” of amended proposed findings of fact and conclusions of law (Doc. 62, p. 1), in accordance with the Court’s acknowledgment that the parties could submit materials to “justify” such conclusions. (*See* Trial Transcript, p. 276).

Although Defendants’ brief may exceed the scope contemplated by the Court, Plaintiffs implicitly acknowledge that they would not be prejudiced thereby if “given the same opportunity to file a Post-Trial Brief.” (Doc. 60, p. 2).

IT THEREFORE IS ORDERED that Plaintiffs’ motion to strike (Doc. 60) hereby is

DENIED. Plaintiffs hereby are DIRECTED to file, within 15 days of the date of this order, any additional post-trial memorandum that they deem necessary in order to justify the supplemental proposed findings of fact and conclusions of law they previously submitted. (*See* Docs. 59, 61). The Court will hold this matter under advisement pending receipt of such memorandum.

IT IS SO ORDERED.

s/ Herman J. Weber  
Herman J. Weber, Senior Judge  
United States District Court

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